IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1406 of 2005 (M/B)

Krishana Singh Parihar
S/o Dev Singh Parihar,
R/o Village Kholi,
P.O. Bhatoli,
Tehsil and Distt. Bageshwar …… Petitioner

Versus

1. District Magistrate, Bageshwar.
2. State of Uttaranchal through
   Secretary Industrial Development,
   Civil Secretariat, Dehradun. ……Respondents

Mr. R.S.Bisht, Advocate for the petitioner.
Mr. N.C.Gupta, Standing Counsel for respondents.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble M.M. Ghildiyal J.

RAJEEV GUPTA, C.J. (Oral)

Mr. R.S.Bisht, Advocate for the petitioner.

Mr. N.C.Gupta, Standing Counsel for respondents.

2. The petitioner Krishna Singh Parihar has filed this writ petition for the following reliefs:

"(A) issue a writ or direction in the nature of certiorari quashing the impugned recommendation letter dated 21.10.2005 issued by respondent no.1, District Magistrate, Bageshwar contained in Annexure 4 to this writ petition.
(B) issue a writ or direction in the nature of mandamus commanding the respondent no.2 to grant the prospecting license to the petitioner in 15.36 hector area in illage Kuruli, District Bageshwar
(C) issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
(D) to award the cost of the present writ petition in favour of the petitioner."

3. The petitioner is challenging Annexure 4, which is only a recommendation by the District Magistrate, Bageshwar to the Secretary of the concerned department of the State of Uttaranchal recommending

dismissal of the petitioner's application seeking prospecting license under the provisions of Mineral Concession Rules 1960.

4. As Annexure 4 is only a recommendation and not an order rejecting the petitioner's application, the writ petition apparently is premature one and is liable to be dismissed accordingly.

5. The writ petition, therefore, is dismissed.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
31.03.2006 **31.03.2006**

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